



United States  
Department of  
Agriculture

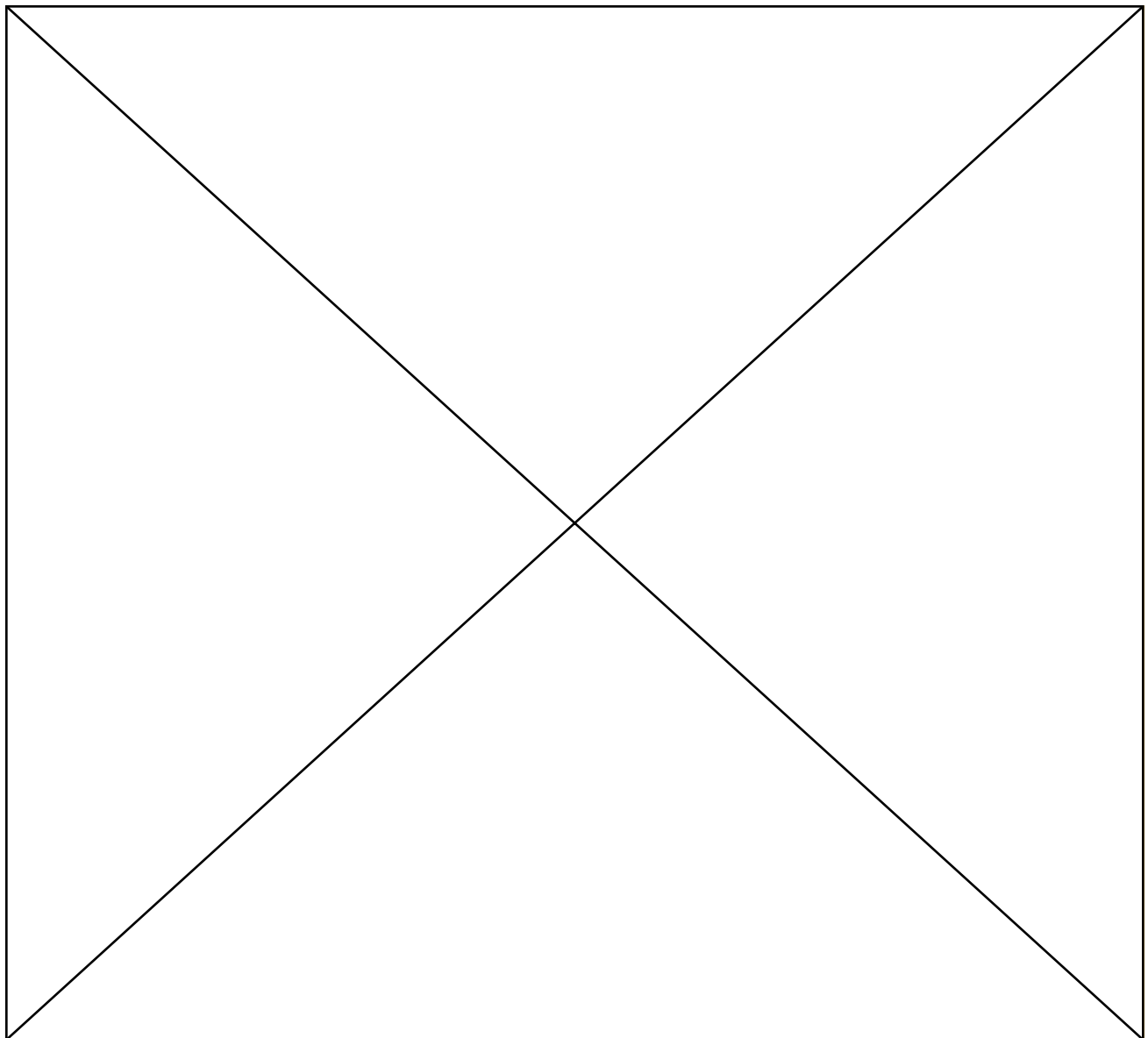
Animal and  
Plant Health  
Inspection  
Service

APHIS 41-35-043

# Horse Protection Enforcement

## Fiscal Year 1995

Report of the Secretary of Agriculture to the  
President of the Senate and the Speaker of  
the House of Representatives



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## History of the Horse Protection Act

The Horse Protection Act (HPA), a Federal law passed in 1970 (PL 91-540), prohibits sored horses from participating in exhibitions, sales, shows, or auctions. "Soring" is defined as the application of any chemical or mechanical agent used on any limb of a horse or any other practice that can be expected to cause the horse physical pain or distress when moving. The soring of horses produces an exaggerated gait similar to that obtained by conventional training methods but over a shorter period of time. This practice relates primarily to Tennessee walking horses and other similar gaited breeds. Consequently, the people who exhibit sored horses have an unfair performance advantage over the people who exhibit nonsored horses. The HPA also prohibits transportation of sored horses for the purpose of competing in events covered by the HPA.

A 1976 amendment to the HPA (PL 94-360) specifically requires managers of horse shows, sales, auctions, or exhibitions to disqualify any horse that has been sored. This amendment also established the Designated Qualified Person (DQP) program.

## Administration of the HPA

Congress mandated that the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) administer the HPA. A veterinary medical officer on APHIS' Regulatory Enforcement and Animal Care (REAC) staff manages this program from Riverdale, MD. REAC enforces the HPA primarily through the DQP program and by providing continual training and educational opportunities for APHIS and DQP personnel and officials of the Horse Industry Organizations (HIO's). Also, selected APHIS veterinarians monitor the DQP program.

In fiscal year (FY) 1995, REAC veterinarians began testing thermography (thermomapping) as an aid in the detection of soring. Thermography, a process that shows temperature differences in a horse's legs, enables trained inspectors to determine scientifically if a horse has been subjected to soring.

## Designated Qualified Persons (DQP's) and the DQP Program:

DQP's are trained and licensed by APHIS-certified HIO's to detect sore horses. Drawn from the ranks of APHIS-accredited veterinarians with equine experience, or from farriers, horse trainers, or other knowledgeable equestrians, DQP's are hired by the managing directors or administrators of a covered event for the express purpose of preventing sore horses from entering the competition. A DQP must meet the requirements set forth in Title 9, Section 11.7, of the Code of Federal Regulations.

HIO officials and DQP's participate throughout the year with APHIS in presenting training seminars, refresher clinics, and educational forums. At these training sessions, APHIS reviews regulatory policies, procedures, and methods of inspection with representatives of the horse industry in order to strengthen enforcement of the HPA. APHIS veterinarians provide the regulatory training, incorporating classroom as well as "hands-on" instruction with horses. In FY 1995, APHIS held six training sessions.

During FY 1995, 5 USDA-certified HIO's provided the industry with 108 licensed DQP's. These DQP's monitored a total of 526 covered events and performed 96,920 examinations. In all, 1,169 violations of the HPA were identified. The turndown rate was 1.21 percent. Figure 1 tracks numbers of violations and events and horses inspected in FY 1993–95.

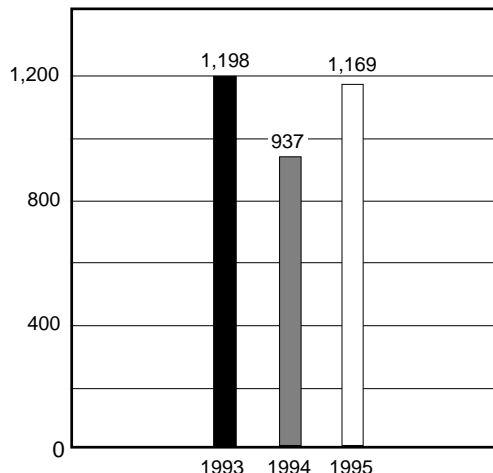
Participating HIO's and the number of DQP's each supplied follow.

National Horse Show Commission (69)  
Heart of America Walking Horse Association (15)  
Western International Walking Horse Association (12)  
Missouri Fox Trotting Horse Breed Association (6)  
Spotted Saddle Horse Breeders & Exhibitors Association (6)  
International Plantation Walking Horse Association<sup>1</sup> (N/A)

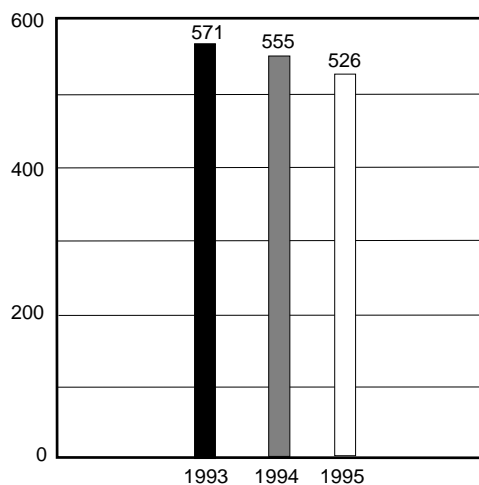
<sup>1</sup> The International Plantation Walking Horse Association was added to the list at the end of FY 1995. Therefore, there are no 1995 statistics available on this program.

**Figure 1—Horse Protection Statistics**

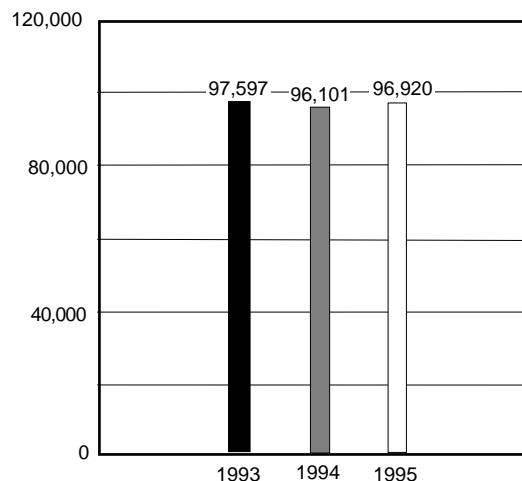
### Number of Violations



### Number of HIO Events



### Number of Examinations



## **APHIS' Monitoring of Regulated Horse Events**

APHIS inspection teams, consisting of REAC veterinarians and Regulatory Enforcement investigators, are not present at every horse show, but they conduct unannounced inspections at a number of shows throughout the season. In FY 1995, the overall average number of HIO shows attended by APHIS was 9.5 percent. Information from private citizens also helps APHIS identify and prosecute violators.

## **Additional Enforcement Measures**

To ensure consistency of compliance with the HPA, APHIS encourages certified HIO's to honor each other's suspensions, share penalty information, and cooperate on compliance issues. APHIS provides HIO's with changes in agency policy to promote uniformity of methods and procedures. APHIS monitors compliance by reviewing all management, HIO, and DQP reports that are filed with the agency as required under the regulations.

In addition to penalties that HIO's may levy, APHIS may also bring administrative or criminal complaints against violators of the HPA. Administrative complaints may result in civil penalties and an order disqualifying the violator from showing or exhibiting horses or otherwise participating in any horse event except as a spectator. Periods of disqualification are determined on a case-by-case basis. Violators are given the opportunity to enter into a consent agreement in order to reduce the burden of litigation and provide for prompt resolution. Criminal penalties and prison terms can be assessed against individuals who knowingly violate the Act.

## **FY 1995 Turndown Rates at APHIS-Monitored Events**

In FY 1995, APHIS employees monitored 50 of the 526 HIO-sponsored events and 4 events not affiliated with HIO's. At the 50 HIO-affiliated shows, 15,963 horses were presented for inspection; APHIS and DQP's found 396 violations for an average turndown rate of 2.48 percent.

At the 4 events not HIO affiliated, there were 3 violations out of 944 horses examined, for a turn-down rate of 0.32 percent. The managers of unaffiliated events, in most instances, do not use the DQP system or employ knowledgeable persons to examine horses prior to exhibition. Although DQP's protect show management from being charged with exhibiting sore horses, the managers of unaffiliated events usually forego the benefits of an inspection process such as the DQP system because these events are small.

## **FY 1995 Turndown Rates at Events Without APHIS' Monitoring**

There were 476 HIO-affiliated horse shows in FY 1995 that APHIS did not monitor. At these HIO-affiliated shows, 80,957 horses were examined and 773 violations were disclosed, for an average turndown rate of 0.95 percent.

DQP turndown rates at HIO-affiliated events increased significantly when APHIS inspectors were present (from 0.95 percent to 2.48 percent). APHIS is working with the regulated horse industry to eliminate this difference. Please refer to table 1 in the back of the report for further details.

## **FY 1995 Legal Proceedings**

During FY 1995, REAC's Animal Care veterinarians initiated 16 investigations of alleged violations of the HPA. These were turned over to REAC's Regulatory Enforcement employees for investigations. Also, six administrative complaints were issued, formally charging individuals with violations.

During FY 1995, Administrative Law Judges issued a total of 51 decisions resulting in 47 disqualifications and civil penalties totaling \$49,200. These penalties included violation cases initiated in prior years.

## **Legislative and Regulatory Recommendations**

USDA does not anticipate the need for additional legislation at this time but is considering proposing changes to HPA regulations to improve enforcement of the Act.

## Glossary

**Administrative complaints:** Charges against an individual(s) for violation(s) of the HPA.

**Compliance inspections:** Unannounced APHIS inspections of horse events covered by the HPA.

**Designated Qualified Person (DQP):** A person who has been licensed by a Horse Industry Organization or Association that has a DQP program certified by USDA and who may be appointed and delegated authority by the management of any horse show, horse exhibition, horse sale, or horse auction to detect or diagnose horses that have been sore; or to otherwise inspect horses and any records pertaining to such horses for the purpose of enforcing the HPA.

**Horse Industry Organizations (HIO's) or associations :** A formally organized group of people engaged in the promotion of horses through shows, exhibitions, sales, auctions, and the maintenance of breed registries.

**Mechanical agent:** Any boot, collar, chain, roller, or other action device that encircles or is placed upon the lower extremity of the leg of a horse in such a manner as to either rotate around the leg or slide up and down the leg so as to cause friction or that can strike the hoof, coronet band, or fetlock joint of the horse's leg.

**Soring:** Application of any chemical or mechanical agent used on any limb of a horse or any practice inflicted upon the horse that can be expected to cause the horse physical pain or distress when moving. The soring of horses produces an exaggerated gait similar to that obtained by conventional training methods but over a shorter period of time. This practice relates primarily to Tennessee walking horses and other similar gaited breeds. Consequently, the people who exhibit sore horses have an unfair performance advantage over the people who exhibit nonsore horses.

Sore horses may exhibit swelling, tenderness, abrasions, bleeding, or oozing of blood or serum of the foot or the area immediately above the foot. Public outcry over the inhumane practice of soring led to the passage of the Horse Protection Act in 1970.

**Tennessee walking horses and related breeds:** Horses that have particular walking or running gaits ("gaited" horses). The best known is the Tennessee walking horse, but other breeds include fox-trotter, racking, and spotted saddle horses.

**Turndown rates:** The percentage of horses not allowed to enter a horse event because of noncompliance with the HPA.

## **Animal Care Offices for FY 1995**

### **Animal Care Headquarters Office:**

USDA, APHIS, REAC  
4700 River Road, Unit 84  
Riverdale, MD 20737-1234  
(301) 734-7833

### **Eastern Region:**

Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin

USDA, APHIS, REAC  
2568-A Riva Road, Suite 302  
Annapolis, MD 21401-7400  
(410) 571-9480

### **Central Region:**

Arkansas, Iowa, Kansas, Louisiana, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas

USDA, APHIS, REAC  
501 Felix Street, Building 11  
P.O. Box 6258  
Fort Worth, TX 76115  
(817) 885-6923

### **Southeast Region:**

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virgin Islands

USDA, APHIS, REAC  
501 East Polk Street, Suite 820  
Tampa, FL 33602  
(813) 225-7690

### **Western Region:**

Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming

USDA, APHIS, REAC  
9580 Micron Avenue, Suite J  
Sacramento, CA 95827  
(916) 857-6205

### **REAC's World Wide Web (WWW) Page on the Internet:**

<http://www.aphis.usda.gov/reac>

### **Internet E-Mail for Horse Protection:**

[jzisk@aphis.usda.gov](mailto:jzisk@aphis.usda.gov)

**Table 1—Horse shows, sales, auctions, and exhibitions monitored in fiscal year 1995**

Horse industry organization (HIO)	APHIS present				APHIS not present			
	Shows	Horses examined	Turn-downs	Turndown rate (%)	Shows	Horses examined	Turn-downs	Turndown rate(%)
National Horse Show Commission	35	12,522	331	2.64	396	68,887	669	0.97
Heart of America Walking Horse Assn.	7	1,297	22	1.70	39	5,152	40	0.78
Western International Walking Horse Assn.	3	1,032	6	0.58	4	2,099	2	0.10
Missouri Fox Trotters Horse Breeding Assn.	2	394	0	0	14	880	0	0
Spotted Saddle Horse Breeders and Exhibitors Assn.	3	718	37	5.15	23	3,939	62	1.57
International Plantation Walking Horse Assn. <sup>1</sup>								
Unaffiliated shows <sup>2</sup>	4	944	3	0.32	NA	NA	NA	NA
<b>Totals</b>	50	16,907	399	2.36	476	80,957	773	0.95
Total of HIO-affiliated shows		526						
Total horses examined		96,920						
Total turndowns		1,169						
Average turndown rate (%)		1.21						

<sup>1</sup> This organization was added to the list at the end of 1995, too late to collect data.

<sup>2</sup> The total number of unaffiliated shows is unknown.